

1 KAMALA D. HARRIS  
Attorney General of California  
2 RICHARD F. WOLFE  
Supervising Deputy Attorney General  
3 DOUGLAS E. BAXTER  
Deputy Attorney General  
4 State Bar No. 201351  
110 West A Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2034  
7 Fax: (619) 645-2012  
E-mail: Douglas.Baxter@doj.ca.gov  
8 *Attorneys for Defendants State of California*  
*(by and through the California Highway*  
9 *Patrol) and Sergio Flores*

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

14 JACOB GREGOIRE,  
15  
16 Plaintiff,  
17  
18 v.  
19 CALIFORNIA HIGHWAY PATROL,  
an agency of the State of California;  
20 SERGIO FLORES, and DOES 1 to 20,  
Defendants.

Case No.: 14-cv-01749-GPC (DHB)

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
JOINT MOTION BY PARTIES TO  
EXTEND CERTAIN DISCOVERY  
DEADLINES**

Date: Ex Parte  
Time: Ex Parte  
Courtroom: Tenth Floor (Annex)  
Judge: The Honorable David H.  
Bartick

22 **INTRODUCTION**

23 All parties to this action jointly bring this Motion to request extensions of the  
24 deadlines for completing fact discovery, expert witness discovery, expert witness  
25 disclosures, and rebuttal expert witness disclosures. The grounds for the request are  
26 set forth in the parties' Joint Motion.

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## ARGUMENT

The Court has the authority to modify its scheduling order pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure. This provision provides: “A schedule may be modified only for good cause and with the judge’s consent.” In addition, Rule 6(b) of the Federal Rules of Civil Procedure provides in pertinent part:

When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]

In addition to these statutory sources of authority to modify the deadline for filing a motion to compel, the Court has the inherent power to control and manage its docket and the course of proceedings. *Southern California Edison Co. v. Lynch*, 307 F.3d 794, 807 (9th Cir. 2002) (citing *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992)).

“Good cause” to modify a scheduling order exists if the deadline for which modification is sought cannot reasonably be met despite the moving party’s diligence. *Noyes v. Kelly Services*, 488 F.3d 1163, 1174 n. 6 (9th Cir. 2007); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

## CONCLUSION

For the reasons stated in the Joint Motion by Parties to Extend Certain Discovery Deadlines, there is good cause to grant the parties’ requests for extensions of the discovery deadlines. The parties request that the following new deadlines be set:

(1) The deadline to complete all discovery, other than expert witness discovery, be continued to July 6, 2015.

(2) The deadline to complete expert discovery be continued to September 14, 2015.

1 (3) The deadline for initial expert witness disclosures under Fed. R. Civ. Proc.  
2 26(a)(2) be continued to July 20, 2015.

3 (4) The deadline for rebuttal expert witness disclosures be continued to  
4 August 20, 2015.

5  
6 Dated: April 28, 2015

Respectfully submitted,

7 CASEY GERRY SCHENK  
8 FRANCAVILLA BLATT &  
9 PENFIELD, LLP

10 s/THOMAS D. LUNEAU, ESQ.  
11 THOMAS D. LUNEAU, ESQ.  
12 *Attorneys for Plaintiff Jacob*  
*Gregoire*

13 Dated: April 28, 2015

Respectfully submitted,

14 GILLEON LAW FIRM

15 s/DANIEL M. GILLEON, ESQ.  
16 DANIEL M. GILLEON, ESQ.  
17 *Attorneys for Plaintiff Jacob*  
18 *Gregoire*

19 Dated: April 28, 2015

Respectfully submitted,

20 LAW OFFICE OF STEVE  
21 HOFFMAN

22 s/STEPHEN E. HOFFMAN, ESQ.  
23 STEPHEN E. HOFFMAN, ESQ.  
24 *Attorneys for Plaintiff Jacob*  
25 *Gregoire*

1 Dated: April 28, 2015

Respectfully submitted,

2 KAMALA D. HARRIS  
3 Attorney General of California  
4 RICHARD F. WOLFE  
5 Supervising Deputy Attorney General

6 S/DOUGLAS E. BAXTER  
7 DOUGLAS E. BAXTER  
8 Deputy Attorney General  
9 *Attorneys for Defendants State of*  
10 *California (by and through the*  
11 *California Highway Patrol) and*  
12 *Sergio Flores*

13 I, Douglas E. Baxter, by my signature above, affirm and certify that all other  
14 signatories listed above, and on whose behalf this filing is submitted, concur in the  
15 filing's content and have authorized the filing.  
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